

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MARIBEL VALDEZ,)	
)	
Plaintiff,)	
)	
vs.)	Court File No. 1:08-cv-5235
)	
ECOLAB INC.,)	
)	
Defendants.)	

ECOLAB INC.'S RULE 26(a)(1) DISCLOSURES

In accordance with Federal Rule of Civil Procedure 26(a)(1), Defendant Ecolab Inc. makes the following initial disclosures:

A. PERSONS LIKELY TO HAVE INFORMATION SUPPORTING ECOLAB'S DEFENSES

In accordance with Fed. R. Civ. P. 26(a)(1)(A), Ecolab identifies the following persons likely to have discoverable information that Ecolab may use to support its defenses:

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|----|--|--|
| 1. | Plaintiff Maribel Valdez
c/o Malagon & Associates | Maribel Valdez is the plaintiff in this action. Ecolab believes that she may have knowledge about the incident at issue, her injuries, and the care and treatment she received as a result of those injuries. She also may have knowledge about the condition of the air freshener spray can allegedly involved in the incident. The extent of Ms. Valdez's knowledge is not known to Ecolab at this time. |
| 2. | New York City Fire Department,
Emergency Medical Service
9 Metrorech Center
Brooklyn, NY 11201 | Based on the records, it is believed that the EMS may have knowledge about Plaintiff's injuries, medical treatment and her statement to them that, at the time of her incident, she was trying to open an aerosol can with a knife. |
| 3. | Lincoln Medical and Mental
Health Center
234 East Eugenio Maria De
Hostoas Boulevard
Bronx, NY 10451 | Based on the records, it is believed that they may have knowledge about Plaintiff's injuries, medical treatment, and her statement to them that, at the time of her incident, she was punching a hole in an aerosol can. |

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|----|---|---|
| 4. | Harlem Hospital
506 Lenox Avenue
New York, NY 10037 | Based on the records, it is believed that they may have knowledge about Plaintiff's injuries, her medical treatment, and her statement to them that, at the time of her incident, she punctured an aerosol can with a knife. |
| 5. | NYC Health and Hospital Corp.
506 Lenox Avenue
New York, NY 10037 | Based on the records, it is believed that they may have knowledge about Plaintiff's injuries and her medical treatment. |
| 6. | Ecolab Inc.
c/o Bowman and Brooke LLP | Certain Ecolab employees have knowledge regarding the "Breezy" air freshener product. Ecolab will disclose specific employees who have knowledge regarding facts in issue after Plaintiff's claims are better defined. |
| 7. | Waterbury Co.
32 Mattatuck Heights
Waterbury, CT 06722 | Waterbury Co. has knowledge regarding Ecolab's "Breezy" air freshener products and Ecolab's history of purchasing "Breezy" air freshener products from Waterbury. Waterbury manufactured and packaged the Breezy-line of products for Ecolab. |
| 8. | Other medical providers | Any medical personnel who have treated Maribel Valdez prior to the incident at issue in this lawsuit. The identity and scope of information known by these individuals are not known to Ecolab at this time |

As discovery and investigation proceed in this matter, Ecolab may determine that additional employees or outside consultants have knowledge that will support its defenses.

B. DESCRIPTION OF DOCUMENTS BY CATEGORY AND LOCATION IN ECOLAB'S POSSESSION, CUSTODY OR CONTROL THAT MAY BE USED TO SUPPORT ECOLAB'S DEFENSES

In accordance with Fed. R. Civ. P. 26(a)(1)(B), Ecolab identifies the following documents that are in Ecolab's possession, custody or control, and that Ecolab *may* use to support its defenses, unless solely for impeachment:

1. Ecolab Breezy II material safety data sheets ("MSDS"), issue date May 4, 2000.
2. Maribel Valdez's medical records.
3. All documents disclosed by the Plaintiffs and Defendants in their Rule 26 Disclosures, discovery responses, and depositions.

4. Can of aerosol air freshener product in Plaintiff's counsel's possession.

C. DAMAGES

Plaintiff has the burden of proving damages. Ecolab disputes liability and contests Plaintiff's damages claim. Ecolab reserves its right, however, to recover its costs, disbursements, and attorneys' fees incurred herein.

D. RELEVANT INSURANCE AGREEMENTS

Ecolab has various layers of insurance coverage for Plaintiff's claims. See Insurance Declaration Sheets.

Dated: July 31, 2008

s/James S. Dobis

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ATTORNEYS FOR ECOLAB INC.

CERTIFICATE OF SERVICE

I hereby certify that on July 31, 2008, I caused the foregoing document to be served by U.S. Mail, postage pre-paid and via electronic filing (if applicable), upon the following counsel of record:

Mauricio Malagon, Esq.
MALAGON & ASSOCIATES
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New York, NY 10279
Attorney for Plaintiff

s/James S. Dobis

JAMES S. DOBIS, ESQ.